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OFFICE OF PETITIONS

In re Application of: :
Halbert et al. :
Application No. 10/657,404 :
Filed: September 8, 2003 :
Attorney Docket No. 031749/268956 :
DECISION ON PETITION

This is a decision on the petition, filed May 8, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 2, 2007, which set a shortened statutory period for reply of three (3) months. Accordingly, a reply was due on or before January 3, 2008. A Notice of Abandonment was mailed April 17, 2008.

Petitioner asserts that the Office action dated October 2, 2007, was not received.

A review of the written record does in fact indicate an irregularity in the mailing of the final Office action. On October 4, 2007, said Office action was returned to the U.S. Patent and Trademark Office as undelivered.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 1652 for re-mailing of the final Office action of October 2, 2007. The period for reply will run from the mailing date of the Office action.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions